

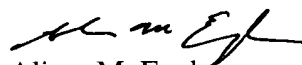
Double Patenting Rejection

Claims 3 - 5 and 9 - 11 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 - 18 of U.S. Patent No. 6,015,939. Enclosed herewith is a revised terminal disclaimer under 37 CFR 1.321(c) which includes a statement that the person is empowered to sign terminal disclaimers and/or act on behalf of the organization.

In light of the above arguments and amendments, it is submitted that all of the pending claims are in condition for full and complete allowance and therefore, such action is respectfully requested.

If there are any issues or amendments the Examiner wishes to discuss, the Examiner is encouraged to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Marked up versions

In the Specification:

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FIGS. 1A, 1B, 1C, 1D, 1E and 1F provide the cDNA sequence (SEQ ID NO:1 and 2) for romaine lettuce vde and deduced polypeptide sequence. The underlined sequences are those determined from peptide sequencing of purified lettuce vde. The polypeptide sequence begins at the first methionine of the open reading frame and is preceded by three termination codons in the same reading frame.

FIGS. 2A, 2B, 2C and 2D provide the cDNA sequence (SEQ ID NO:3 and 4) for tobacco (*Nicotiana tabacum* cv. Xanthi) vde and deduced polypeptide sequence.

FIGS. 3A, 3B and 3C provide the cDNA sequence (SEQ ID NO:5 and 6) for *Arabidopsis thaliana* (var. Columbia) vde and deduced polypeptide sequence.—

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FIG. 4A provides a map showing the location of three domains in the deduced protein.

FIG. 4B provides a comparison of the amino acid sequences (SEQ ID NO:2, 4 and 6) of the proteins of Figures 1 – 3.

FIG. 5 shows the percent similarity between the [the] proteins of Figures 1 – 3.